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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,580	04/11/2006	Neil C. Bird	GB 030188	9573

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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01/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,580	Applicant(s) BIRD ET AL.	
	Examiner YUWEN PAN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 9/11/08 have been fully considered but they are not persuasive. The applicant argues newly amended claims overcome prior art of record, Diener reference because Diener is directed to a target terminal transmitting a signal received by many receivers with known locations to measure the location of target terminal and the applicant's invention is a single receiver receives signals from three transmitters associated with the three objects. The examiner respectfully disagrees. The examiner would like the applicant pay attention to figure 1 wherein at least 4 transmitters (items 200, 210, 230) and a target terminal (item 100) are either wired or wireless connect to the network server (400). Thus, all the relevant information for measure the location of the target terminal would be collected by the NS 400 for further processing because none of the RTs has a correlator (see column 3 and lines 52-53). Therefore, previous rejection stands.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-7,12, 13, 17, 20, 21, and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Diener et al (US007006838B2).

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Per claim 1, Diener discloses a method of indicating the location of a relatively mobile object (see figure 1 and item 100), comprising the steps of : generating and transmitting a first signal that is characteristic of a first relatively immobile object (see figure 1, link between MRT and item 400, see column 14-19, the first signal is generated the TOA at MRT after received a signal that is sent from the target terminal, then the first signal is transmitted by the MRT to the NS 400 for further calculation of TDOA); generating and transmitting a second signal from the second relatively immobile object (see figure 1 and item 200); generating and transmitting a third signal that is characteristic of the relatively mobile object, see figure 1 and item 100, see column 2 and lines 50-63); calculating all three signals at the network server (figure 1 and item 400,); operating a processing device operatively connected to the receiver using signal t-o-f data and received SNR information to establish a distance of the relatively mobile object respectively from the first and second relatively immobile (see column 3 and lines 29-53); generating a signal indicating whether the relatively mobile object is for the time being closer to the first or the second relatively immobile object (see figure 2. item 2040, column 3 and lines 55-58, column 17 and lines 1-20).

Same arguments apply, *mutatis mutandis*, to claim 17.

Per claim 2, Diener further teaches getting location of the entire reference terminal (see column 6 and lines 23-30).

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Per claim 3, Diener further teaches supplying via an input device, data to the processing device that associate each said portable transmitter with the object on which it is located (see column 6 and lines 48-52).

Per claim 4, Diener further teaches identifying the relatively mobile object and at least the relatively immobile object to which it is closer/closest (see column 17 and lines 1-20).

Per claim 5, Diener further teaches the steps of determining the signals t-o-f data by obtaining timing information between first and second device (see figure 6 and corresponding paragraphs).

Same arguments apply, *mutatis mutandis*, to claim 20.

Per claim 6, Diener further teaches determining RSSI of beacon 1, 2, or 3 (see column 8 and lines 31-65).

Same arguments apply, *mutatis mutandis*, to claim 21.

Per claim 7, Diener further teaches carrying out a contextual conversion using a data base to interpret co-ordinates corresponding to the locations of the said objects, and generating one or more messages indicatively of the ID of one or more said objects (see column 17 and lines 1-20).

Same arguments apply, *mutatis mutandis*, to claim 32.

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Per claim 12 and 13, Diener further teaches that prompting a user as to the class of data, selected from a set of classes in which includes relatively mobile objects, relatively immobile objects; and base stations (see column 17 and lines 1-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-11, 14-16, 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diener in view of Gonzalez (US006963283B1).

Per claim 8, Diener does not teach that adhering a portable transmitter to each respective object using an adhesive material. Gonzalez teaches adhering a portable transmitter to each respective object using an adhesive material (see figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to easily carried by a potentially protected object.

Same arguments apply, *mutatis mutandis*, to claims 22, 23, and 26.

Per claims 9 and 10, Gonzalez further teaches that activating each portable transmitter from a deactivated state in which removing each said portable transmitter from a storage location, interaction between each portable transmitter and the storage location maintaining it in

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the said deactivated state and the said removing causing the said activation (see column 2 and lines 29-36).

Same arguments apply, *mutatis mutandis*, to claims 25, 27 and 28.

Per claim 11, Gonzalez further teaches entering data via one or more of a keyboard (see figure 1, programming buttons).

Same arguments apply, *mutatis mutandis*, to claims 29, 30 and 31.

Per claim 14-16, Gonzalez further teaches programming buttons and displays for interrogating the transmitter (see figure 1 and 4).

Same arguments apply, *mutatis mutandis*, to claims 18, and 19.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUWEN PAN whose telephone number is (571)272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yuwen Pan/
Primary Examiner, Art Unit 2618